IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.491 OF 2004
IN
SUMMARY SUIT NO.3421 OF 1997

M/s.Dredging Corporation of India Ltd. .. Plaintiffs

Vs.

M/s.Essar Steels Ltd. .. Defendants

Mr.R.Fernandes for the plaintiffs

Mr.A.M.Vernekar for the defendants

CORAM : S.U.KAMDAR, J

DATED : 6TH APRIL 2005

P.C.:

. The present Chamber Summons is taken out for amendment of the plaint. Two objections are raised by the learned counsel for the defendant. Firstly, the present amendment change the cause of action. On plain reading of the proposed amendment with the plaint there is no such case can be made out. The said objection is therefore, required to be rejected. Second objection raised is that the claim is barred by the law of limitation. The issue of limitation is required to be determined at the hearing of the suit. Defendants are at liberty

to file additional written statement raising objection on the ground of limitation. Chamber Summons is made absolute with the aforesaid directions. Amendment to be carried out within 2 weeks. Additional Written Statement to be filed within 4 weeks from today.